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Seed Intellectual Property Law Group
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EXAMINER

MCALEENAN, JAMES M

| ART UNIT | PAPER NUMBER |
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3745

DATE MAILED: 06/09/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,654

Applicant(s)

WOBBEN, ALOYS

Examiner

James M McAleenan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on Preliminary Amend A, paper no. 8.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-16 and 19 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Applicant's Pre-Amendment dated 10/22/02 was matched to the application file after the Office Action was mailed 11/12/02. As a result, the aforesaid Office Action is hereby vacated and replaced by the following new office action.

Specification

1. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
 1. Field of the Invention.

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2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.

- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

2.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- © Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

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- (d) Reference to a "Microfiche Appendix": See 37CFR 1.96© and MPEP § 608.05, if the application was filed before March 1, 2001. The total number of microfiche and the total number of frames should be specified. Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc and an incorporation by reference of the material on the compact disc.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

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- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where

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particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (I) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(I)-(p).
- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.
- (l) Sequence Listing, if on paper: See 37 CFR 1.821-1.825.

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Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant recites in the disclosure recites gust of wind being a direct current, as well as the regulating device (see Figure 6b) providing the direct current. It is not known from the claims if Applicant has specifically disclosed the direct current to mean the wind gusts or the direct current from the regulating device. See page 7, last two full paragraphs of Applicant's disclosure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (U.S. Patent Number 4,966,525) in view of Lorenz (U.S. Patent Number 4,305,030). Nielsen discloses a wind power installation including a machine housing which has a rotor with one rotor blade

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((15) see Figure 1 and Col. 2, line 14). Nielsen teaches a displacement device for displacement of the machine housing for the orientation of the rotor in the direction of the wind (see Figure 1 and Col. 1, line 2), wherein the displacement device has a electric drive motor ((10) see Figure 2 and Col. 2, line 20). Nielsen discloses the use of direct current applied during the stoppage time of the machine housing (see Figure 1 and Col. 2, lines 38-60, see specifically lines 45-49).

Regarding claim 2, Nielsen teaches the motor being acted upon with the direct current after the current is switched off, for deceleration purposes (see Figure 2 and Col. 2, lines 38-49).

Regarding claim 3, Nielsen discloses the deceleration of the motor at the end of the displacement operation being controlled by means of the magnitude of the direct current (see Figure 1 and Col. 2, lines 43-60). Regarding claim 4, Nielsen teaches the displacement device having a plurality of motors ((10) see Figure 1 and Col. 2, line 20-43) which are coupled together. Regarding claim 5, Nielsen discloses the motors being electrically coupled together (see Figure 2 and Col. 2, line 40) by means of a current transformer. However, Nielsen does not disclose the electric motor being a three phase asynchronous motor which for displacement of the machine housing is acted upon by a three phase current.

However, Lorenz (U.S. Patent Number 4,305,030) discloses the electric motor being a three phase asynchronous motor which for displacement of the machine housing is acted upon by a three phase current (see Col. 1, lines 65-68). Lorenz teaches the use of direct current being applied to an electric motor for stopping or braking (see Col. 1, lines 5-10). Lorenz teaches the motor being acted upon with the direct current after the current is switched off, for deceleration

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purposes (see Col. 1, lines 5-10). Lorenz discloses the deceleration of the motor at the end of the displacement operation being controlled by means of the magnitude of the direct current (see Col. 1, lines 60-65). It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to provide a three phase asynchronous motor for displacement of the machine housing that is acted upon by a three phase current as taught by Lorenz, for the purpose of providing a stopping or braking means as claimed by Applicant.

5. Claims 6-9, 12-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (U.S. Patent Number 4,966,525) in view of Lorenz (U.S. Patent Number 4,305,030).

Nielsen discloses the method of decreasing an alternating current feeding an AC drive motor (see Col. 2, lines 38-49). Regarding claim 13, Nielsen discloses a wind power system having means for decreasing an alternating current feeding an AC drive motor (see Col. 2, lines 38-49).

However, Nielsen does not disclose selectively adjusting a direct current feeding AC drive motor.

Regarding claim 7, Nielsen does not disclose decreasing an AC feeding and AC drive motor that includes decreasing a three-phase alternating current feeding a three-phase asynchronous drive motor. Regarding claim 8, Nielsen does not disclose the decreasing an AC feeding an AC drive motor that includes decoupling a three-phase asynchronous drive motor from a three-phase network. Regarding claim 9, Nielsen does not disclose selectively adjusting a direct current feeding the AC drive motor. Nielsen does not disclose teaches detecting a rotary movement of a tower top mechanically coupled with a drive shaft of a three-phase asynchronous drive motor.

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Nielsen does not disclose determining an elapsed time of the rotary movement of the tower top.

Nielsen does not disclose modulating a direct current feeding the three-phase asynchronous drive motor in response to the elapsed time of the rotary movement. Regarding claim 12, Nielsen does not disclose selectively adjusting a direct current feeding the AC drive motor. Nielsen does not disclose detecting a rotary force acting on a tower top mechanically coupled with a drive shaft of a three-phase asynchronous drive motor. Nielsen does not disclose modulating a direct current feeding a three-phase asynchronous drive motor wherein the tower top can move substantially unimpeded under action of the rotary force. Nielsen does not disclose the means for selectively adjusting a direct current feeding AC drive motor. Regarding claim 14, Nielsen does not disclose the means for decreasing an alternating current feeding an AC drive motor having the means for decreasing a three-phase alternating current feeding a three-phase asynchronous drive motor.

Regarding claim 15, Nielsen does not disclose the means for decreasing an alternating current feeding an AC drive motor having means for decoupling a three-phase asynchronous drive motor from a three-phase network. Regarding claim 16, Nielsen does not disclose the means for selectively adjusting a direct current feeding the AC drive motor. Nielsen does not disclose the means for detecting a rotary movement of a tower top mechanically coupled with a drive shaft of a three-phase asynchronous drive motor. Nielsen does not disclose the means for determining an elapsed time of the rotary movement of the tower top. Nielsen does not disclose the means for modulating a direct current feeding the three-phase asynchronous drive motor in response to the elapsed time of the rotary movement. Regarding claim 19, Nielsen does not disclose the means

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for selectively adjusting a direct current feeding the AC drive motor. Nielsen does not disclose the means for detecting a rotary force acting on a tower top mechanically coupled with a drive shaft of a three-phase asynchronous drive motor. Nielsen does not disclose means for determining a magnitude of the rotary force acting on the tower top. Nielsen does not disclose the means for modulating a direct current feeding a three-phase asynchronous drive motor wherein the tower top can move substantially unimpeded under action of the rotary force.

However, Lorenz (U.S. Patent Number 4,305,030) discloses selectively adjusting a direct current feeding AC drive motor (see Col. 4, lines 26-35). Regarding claim 7, Lorenz discloses decreasing an AC feeding and AC drive motor that includes decreasing a three-phase alternating current feeding a three-phase asynchronous drive motor (see Col. 4, lines 44-53). Regarding claim 8, Lorenz discloses the decreasing an AC feeding an AC drive motor that includes decoupling a three-phase asynchronous drive motor from a three-phase network (see Col. 3, lines 45-61). Regarding claim 9, Lorenz discloses selectively adjusting a direct current feeding the AC drive motor (see Col. 6, lines 65-68). Lorenz teaches detecting a rotary movement (see Col. 6, lines 10-13) of a tower top mechanically coupled with a drive shaft of a three-phase asynchronous drive motor (see Col. 6, lines 26-35). Lorenz discloses determining an elapsed time of the rotary movement of the tower top (see Col. 6, lines 26-30). Lorenz teaches modulating a direct current feeding the three-phase asynchronous drive motor in response to the elapsed time of the rotary movement (see Col. 6, lines 40-43). Regarding claim 12, Lorenz discloses selectively adjusting a direct current feeding the AC drive motor (see Col. 6, lines 65-68). Lorenz teaches detecting a

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rotary force acting on a tower top mechanically coupled with a drive shaft of a three-phase asynchronous drive motor (see Col. 6, lines 10-13). Lorenz discloses modulating a direct current feeding a three-phase asynchronous drive motor wherein the tower top can move substantially unimpeded under action of the rotary force. Lorenz teaches the means for selectively adjusting a direct current feeding AC drive motor (see Col. 6, lines 65-68). Regarding claim 14, Lorenz discloses the means for decreasing an alternating current feeding an AC drive motor having the means for decreasing a three-phase alternating current feeding a three-phase asynchronous drive motor. Regarding claim 15, Lorenz teaches the means for decreasing an alternating current feeding an AC drive motor having means for decoupling a three-phase asynchronous drive motor from a three-phase network. Regarding claim 16, Lorenz discloses the means for selectively adjusting a direct current feeding the AC drive motor (see Col. 6, lines 65-68). Lorenz teaches the means for detecting a rotary movement of a tower top mechanically coupled with a drive shaft of a three-phase asynchronous drive motor. Lorenz discloses the means for determining an elapsed time of the rotary movement of the tower top. Lorenz teaches the means for modulating a direct current feeding the three-phase asynchronous drive motor in response to the elapsed time of the rotary movement. Regarding claim 19, Lorenz discloses the means for selectively adjusting a direct current feeding the AC drive motor. Lorenz teaches the means for detecting a rotary force acting on a tower top mechanically coupled with a drive shaft of a three-phase asynchronous drive motor. Lorenz discloses means for determining a magnitude of the rotary force acting on the tower top. Lorenz teaches the means for modulating a direct current feeding a three-phase

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asynchronous drive motor wherein the tower top can move substantially unimpeded under action of the rotary force. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to provide a three phase asynchronous motor for displacement of the machine housing that is acted upon by a three phase current having time and motion selectivity as taught by Lorenz, for the purpose of providing a stopping or braking means as claimed by Applicant.

Allowable Subject Matter

6. Claims 10-11 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PRIOR ART

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 7 patents.

Kulinyak (U.S. Patent Number 4,692,094), Carter, Sr. (U.S. Patent Number 5,178,518) and Imura (U.S. Patent Number 6,261,138) are cited to show similar features as claimed by Applicant's invention.

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Zalesski (U.S. Patent Number 5,828,195), Deam et al. (U.S. Patent Number 5,172,310), Limpaecher et al. (U.S. Patent Number 6,118,678) and Mikhail et al. (U.S. Patent Number 6,420,795) are cited to show similar controller features as Applicant's claimed invention.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner James M. McAleenan whose telephone number is (703) 308-2827. The examiner can normally be reached on Monday thru Friday from 9:00 am to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (703) 308-1044. The fax number for this Group is (703) 305-3588.

An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

James M. McAleenan
Patent Examiner
Art Unit 3745



5/28/03


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6/2/03